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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

RAYMOND SAMUEL SAUNDERS,
 Plaintiff,
 vs.
 SAN FRANCISCO SHERIFF'S DEPT.,
 Defendant.

Case No. CV-11-6322 (WHO)

**DEFENDANTS' MOTION TO STRIKE
 PLAINTIFF'S LATE DECLARATION**

Hearing Date: August 20, 2014
 Time: 2:00 pm
 Place: Courtroom 2 – 17th Floor
 Trial Date: April 27, 2015

Defendants request that the Court strike plaintiff's untimely declaration. Plaintiff's opposition papers and supporting evidence were due on July 25, 2014. N.D. Cal. Civil L.R. 7-3(a). Plaintiff filed his declaration on August 13, 2014, almost 19 days late. (Dkt. No. 47.)

Defendants reply brief – filed on August 1, 2014 – foreclosed the filing of supplemental materials without leave of the Court. N.D. Cal. Civil L.R. 7-3(d). Plaintiff did not seek such leave. Plaintiff did not make a concurrent request for such leave. Plaintiff did not make a showing of excusable neglect. And finally, plaintiff did not seek a stipulation from defendants. Plaintiff just filed

1 a declaration more than two weeks late and after defendants filed their reply. As the filing disregards
2 the rules of civil litigation, the Court should strike it.

3
4 August 18, 2014

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11 By: /s/ Newton Oldfather
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